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Attorney for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLIPPER ELITE CARRIERS, LTD.,

Petitioner

Civ. 07-6704 (DAB)

ECF Case

v.

INTERNATIONAL FREE COMPANY

AFFIDAVIT IN RESPONSE
TO ORDER TO SHOW CAUSE

Respondent.

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Raymond A. Connell, Esq. being duly sworn deposes and says:

1. I am attorney for Clipper Elite Carriers, Ltd. ("CEC"), petitioner in this action; I am familiar with all proceedings had herein; and, I make this affidavit in response to the Order to Show Cause entered June 5, 2008 whereby the Court directed CEC to show cause by affidavit why its complaint against defendant International Free Company ("IFC") should not be dismissed, or to move for a default judgment, and failure to do either within 30 days of the date of the Order would result in a dismissal for failure to prosecute.


2. Defendant IFC is a foreign entity whose last known address is Shmessani-Essam, Al Aljioni Street, Shami Plaza Complex, 1st Floor Amman, Jordan.

3. The claim is for demurrage in the principal amount of \$32,759.89 due under a Booking Note dated May 4, 2005 between CEC, as Carrier, and IFC, as Merchant. The Booking Note contained a New York arbitration provision, with U.S. law to apply. See Petition to Compel Arbitration filed July 25, 2007 ¶¶ THIRD-SIXTH.

4. Jordan is not party to the Hague Convention For the Service Abroad of Judicial and Extra Judicial Documents in Civil or Commercial Matters.

5. In view of the difficulty in effecting service upon IFC, resort was had to attachment under Supplement Rule B, F.R.Civ.P., in accordance with the procedure approved by the Second Circuit in *Winter Storm v. T.P.I.*, 310 F.3d 263 (2d Cir. 2002) which requires continued service by fax upon designated New York banks in an attempt to attach electronic fund transfers in which IFC has an interest. This process has not resulted in an EFT attachment, and it is on-going.

6. It is respectfully requested the Court permit this attachment process to continue for an additional sixty-day period at the end of which, should funds not be attached, petitioner CEC will file a voluntary dismissal.



Raymond A. Connell

Sworn to this the
1st day of July, 2008



Notary Public

LISA LYONS
Notary Public, State of New York
No. 01LY6146987
Qualified in Richmond County
Commission Expires May 30, 2016